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May 19, 2020

The Honorable Pamela K. Chen
U.S. District Judge
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Juan Ángel Napout (1:15-cr-00252)

Dear Judge Chen:

On behalf of defendants Juan Ángel Napout and Jose Maria Marin we respectfully request that the Court modify the December 19, 2018 restitution payment schedule to defer the next payment date from May 20, 2020 to November 20, 2020. The government consents to this request.

As set forth below, the Court imposed joint and several restitution obligations on Mr. Napout and Mr. Marin, but staggered the payment schedule to: (i) allow for other co-conspirators to be sentenced and to begin making payments towards that restitution amount, and (ii) permit the government time to seek restoration of forfeited funds for restitution purposes. Both Mr. Napout and Mr. Marin made initial restitution payments as required. The government has confirmed that it is in the midst of efforts to seek restoration of funds for restitution.

The Current Restitution Payment Schedule

The Court imposed the following financial penalties as part of sentencing Mr. Napout and Mr. Marin:

- Fines: \$1 million (Napout); \$1.2 million (Marin);
- Forfeiture: \$3,374,025.88 (Napout); \$3,335,593 (Marin);
- \$356,368.12 in restitution for which Mr. Napout is solely responsible;
- \$137,532.60 in restitution for which Mr. Marin is solely responsible;
- \$24,001.45 in restitution for which Mr. Napout and Mr. Marin are jointly responsible; and

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- \$2,116,781.54 in restitution joint and several with all convicted co- conspirators (the "Joint and Several Restitution Amount").

On December 19, 2018, the Court issued an order setting the following payment schedule:

- February 14, 2019: payment of the fine, forfeiture, and \$368,368.85 in restitution (comprising the amount for which Mr. Napout is solely responsible and 50% of the amount for which he is responsible jointly with Mr. Marin);
- May 20, 2019: payment of \$250,000 each in restitution;
- November 20, 2019: payment of \$250,000 each in restitution;
- May 20, 2020: payment of \$250,000 each in restitution; and
- November 20, 2020: payment of 50% each of the remaining restitution balance.

Defendants' Timely Payments of All Financial Penalties

Mr. Napout and Mr. Marin timely made the February 14, 2019 payments, thus fully satisfying their fine and forfeiture obligations, as well as the restitution for which each was solely responsible. In addition, Mr. Napout and Mr. Marin timely made the May 20, 2019 \$250,000 payments towards the Joint and Several Restitution Amount. As a result of the payments by Mr. Napout and Mr. Marin, as of May 20, 2019, the Joint and Several Restitution Amount was reduced to \$1,616,781.54.

The Court Should Further Modify The Payment Schedule

On November 20, 2019, for substantially the same reasons as described in this request, the Court deferred the defendants' November 20, 2019 scheduled payment to May 20, 2020. The government has informed us that it is still in the process of seeking restoration of forfeited funds for purposes of restitution. In addition, we understand that additional defendants may be sentenced in the coming months, and that the Court has deferred restitution payments for other recently sentenced defendants.

In light of these developments, Mr. Napout and Mr. Marin request that the Court modify the existing restitution payment schedule by postponing the next restitution payment, currently scheduled for May 20, 2020, to November 20, 2020. As noted at the outset, the government consents to this request.

Respectfully submitted,

Marc A. Weinstein